

provision productive of considerable mischief, the governor had an absolute veto over territorial legislation.

As a sop to the territory and perhaps to avoid the problems caused by local control of the purse in colonial times, the federal government paid many of the expenses that the people of a state would have covered themselves. Congress appropriated money for the salaries of all the officials, including mileage, per diem, and operating expenses of the legislature. In addition, Congress paid for books for a territorial library, for a territorial penitentiary just south of Salt Lake City at Sugar House, and for a territorial capitol building, which the Utahns—in a major geopolitical blunder—constructed in Fillmore, the territorial capital in 1855 and 1856.

No one in Congress seemed to like the strange name "Deseret." Senator Thomas Hart Benton of Missouri thought the name sounded too much like "desert," and as an expansionist imbued with the ideals of Manifest Destiny, Jessie Benton Frémont's father opposed deserts. Congress chose the name Utah, a form of the word *Ute*—the people who occupied the largest block of land in the territory at the time the Mormons arrived. In a twist of irony, these were the people with whom the Euro-American settlers fought most frequently.

Bernhisel asked President Fillmore to appoint local people to the executive and judicial offices. He got only half his wish. In an apparent attempt to balance the interests of the territory and federal patronage, Fillmore chose some local people, and he paid some political debts with the other appointments. Selecting Brigham Young as governor, the president chose Broughton D. Harris of Vermont as secretary; Seth M. Blair of Utah as attorney; Joseph L. Heywood of Utah as marshal; Joseph Buffington of Pennsylvania as chief justice; and Zerubbabel Snow of Ohio and Perry E. Brocchus of Alabama as associate justices. After Buffington declined to serve, he chose Lemuel G. Brandenburg, also of Pennsylvania, as chief justice. Young, Blair, Heywood, and Snow were all Mormons.

CONFLICT WITH FEDERAL OFFICIALS

The people of Utah greeted the new officials civilly enough. Entertaining Brandenburg at a banquet and several dances, they feted Harris and his wife with peaches and champagne. Utah bored and outraged the prim Mrs. Sarah H. Harris since the territory did not offer an adequate social and religious life for Protestant women, and the Mormon practice of polygamy bruised her genteel sensibility.

Conflicts soon arose with Secretary Harris and Judge Brocchus. Official to the point of pomposity, Harris refused to pay for a territorial census or elections that Young had conducted with improper forms and—most importantly—without his approval. He also declined to release funds for the expenses of the legislature chosen in what he considered illegal elections.

Brocchus asked for permission to talk to the people at a special conference of the church shortly after he arrived in early September 1851. Thanking the Mormon people for comforting him—a stranger—during a recent illness, the judge said he came with a commission from the Washington Monument foundation. He asked the people to contribute a block of marble for the structure, providing they could do so in full fellowship with the remainder of the nation.

Then, with more boldness than wisdom, he turned to the attitudes and practices of the Mormon people. In a Pioneer Day speech, Daniel H. Wells had said that in recruiting the Mormon Battalion, President Polk had hoped to wound the refugee Saints by taking able-bodied men to march to California when the migrants needed them most. Brocchus denied Wellss charges, pointing out that the president had condemned the injustices heaped on the Mormons in Missouri and Illinois. At the same time, he said, the president could do nothing to remedy the Saints' wrongs because the federal system left such matters in state jurisdiction. Brocchus also rebuked the people for their verbal abuse of other federal leaders. Turning to polygamy, he called upon the Mormon people

1852

1855

etc

to abandon the offensive practice; and, considering plural wives no better than prostitutes, he urged the Mormon women to repent and recapture their virtue.

Aroused by the speech, the congregation, with more boldness than wisdom, rose to mob the judge. Young restrained the people and called a recess in the conference. After reconvening the meeting, he responded to Brocchus's insults. Elaborating on the scenes of murder, rape, and expulsion, Young declared his affection for the Constitution, saying, however, that he had no love for the "damned rascals" who administered the government. Declaring that he knew Zachary Taylor was dead and damned, he accused Brocchus of bad manners for lecturing the people on morality and virtue.

Following some legal maneuvering in which Young tried futilely to get Harris to release the territory's funds, on September 28, 1851, Harris and Brocchus left for the United States, accompanied by Brandebury and Henry R. Day, an Indian subagent. Reporting that they feared for their lives from the seditious Mormons, the four runaway officials published a set of charges against the Utah people in a letter to President Fillmore. Anticipating the allegations of the truant officials, Young had already sent his own report to Millard Fillmore; and Jedediah M. Grant, probably with the help of Thomas L. Kane, published letters defending the Utahns in the *New York Herald*. Contemptuous of the absent officeholders, Eliza R. Snow composed a ditty deriding them with a bit of doggerel, which said in part:

**THO' BROCHUS, DAY AND BRANDEBURY,
AND HARRIS, TOO, THE SECRETARY,
HAVE GONE,—THEY WENT—BUT WHEN
THEY LEFT US,
THEY ONLY OF THEMSELVES BEREFT US.**

For perhaps the only time until 1890, Congress agreed with the Utahns. After a lengthy debate, the federal government accepted the Mormons' explanation of the affair. Moreover, to discourage officials from absenting

themselves from their posts without cause in the future, in 1852 Congress ordered the forfeiture of pay for territorial officials who left without approval.

In the meantime, the Utahns realized that Kane's and Babbitt's worst nightmares about territorial government had proved all too real. To try to insulate themselves against such conflicts and to ensure local rule, Utahns took measures to keep the courts open in the absence of a full complement of federal officials. In 1852, the legislature vested the county probate courts with original jurisdiction in civil and criminal cases concurrent with that of the U.S. territorial district courts. Heretofore, the probate courts had judged such matters as probate of wills, guardianship of orphaned minors, and resolution of domestic disputes. In addition, the legislature had created the offices of territorial marshal and attorney, not only to act in civil and criminal cases under territorial law but also to avoid dealings with obnoxious federal officials. The local officials seem to have anticipated that the federal judges, attorney, and marshal would prosecute under the laws of Congress. In cases arising under territorial law, the territorial marshal and territorial attorney would serve as officers of both the county probate courts and the federal district courts.

On August 31, 1852, Fillmore replaced Brandebury and Brocchus and appointed outsiders Lazarus Reed and Leonidas Shaver, both of whom got along well with the Mormons. Unfortunately, Reed died while on leave in New York on March 17, 1855, and Shaver passed away on June 19, 1855, from an infection of the middle ear. Anti-Mormon publicists charged that the Saints had killed Shaver, but as little evidence surfaced for their complicity in his death as it did for their collusion in the death of John W. Gunnison.

The friendship with Reed and Shaver proved exceptional as a more usual pattern emerged. In most other cases, relations with federal officials included an initial period of generally friendly association followed by a falling-out and a flurry of letters accusing the

Mormons of sedition against the federal government, sexual license in the practice of polygamy, intimidation and murder of gentiles, and tampering with the Indians.

The charges brought against the Mormons during the early 1850s by Indian Agent Jacob Holeman were typical. The Indian agent came to believe that the Mormons had engaged in two contradictory activities: first, he said, the Saints had inflamed the Native Americans by teaching them that they were their true friends and the Americans their enemies; and second, the Mormons had systematically evicted the Indians from their lands.

In fact, both of the charges were partly true. The Utes of Utah and Sanpete Valleys and the Shoshoni of northern Utah lost their lands to Mormon settlers. Although the Saints took part of the Paiute lands, they also cemented a relatively secure alliance with these Indians because of the protection they offered against the Ute raiders and the jobs and technology they provided.

Indian Agent Garland Hurt, who came in February 1855, got along well enough with the Mormons at first. He urged the appointment of Porter Rockwell as an Indian subagent, and he and Brigham Young shared a belief that only through converting the Indians to Euro-American civilization could they improve Native American lives and make the country safe for settlers. He and Brigham Young cooperated in the establishment of Indian farms at Benjamin near Spanish Fork, Twelve Mile Creek near Gunnison in Sanpete County, and Corn Creek near Kanosh in Pahvant Valley. Hurt also won the confidence of Peteetneet, who settled at the Spanish Fork farm. Then, like most other federal officials, he came to distrust Young, to believe charges similar to Holeman's—that the Mormons were guilty of violence and murder.

Relations with David H. Burr, the territorial surveyor general who arrived to establish federal land surveys in 1855, soured as well. The Mormons feared the possibility that the federal government might use surveys to remove them from land they had won from

nature and the Native Americans. Shortly after they arrived, the Saints had established a system of county surveyors to apportion the land as inheritances. Under federal law, however, they could not secure land titles until Burr had completed the federal surveys and Washington had opened a land office in Utah. As they watched Burr's contractors traverse the land, the Saints found the federal surveys insubstantial and, in some cases, fraudulent. For their part, Burr and his employees experienced harassment from local Mormons and eventually came to fear for their lives.

The various charges against the Mormons, the interest of the federal government in constructing better overland wagon routes, and the desire to try the murderers of John W. Gunnison and his party led to the 1854 expedition to Utah of Lt. Col. Edward J. Steptoe. After Steptoe's investigation, Kanosh, a Pahvant chief, agreed to turn over seven Pahvants for trial, as the Numics' collective concept of justice dictated—one for each of the murdered party, less the one killed in retaliation for the tribesman slain by the passing wagon train. Taking advantage of the Ute legal concept of trading one life for another and eliminating four undesirables from the band at the same time, Kanosh chose four from among the old, unpopular, and infirm who probably had nothing to do with the murders. Three of those he sent, however, probably participated in the massacre, and they eventually stood trial. After hearing the evidence, Judge John F. Kinney charged the jury to convict them of first-degree murder or free them. He sat incredulously as the jury found the three—Ankle Joint, Sandy Hair, and White Tree—guilty of manslaughter.

Under both Ute and Euro-American concepts of justice, the jury could easily have convicted the three Pahvants of first-degree murder. Instead, they brought a verdict more in line with Brigham Young's policy of defense and conciliation and with the conditions under which the murders took place. In moving to free his clients, defense attorney Almon Babbitt reminded the court that the massacre occurred during the Walker War. These three were the

only people—Native American or Euro-American—tried for any offenses during the war. As it happened, the convicted Pahvants served little time because they escaped and successfully avoided recapture.

Steptoe and other officers in his command, such as Lt. Sylvester Mowry who had assisted in the prosecution, wrote to various federal officials, condemning the outcome of the trial. Steptoe denounced Almon Babbitt, who served as principal defense attorney, urging his removal as territorial secretary. Mowry believed that Brigham Young had "counseled" the verdict through Dimick Huntington, though he offered no proof of the charge.

In December 1854, before the trial got underway in March 1855, President Franklin Pierce had offered Steptoe the governorship of Utah Territory in December 1854. The colonel had refused to accept the post and, together with John Kinney and a large number of other officials, had recommended the reappointment of Brigham Young. Recognizing the power of the Mormon leader, they argued that no one else could command the loyalty of Utah citizens. Young got the appointment, and Steptoe's troops left Utah in April 1855, much to the relief of the Utahns.

However, conflicts with Steptoe's troops disrupted the community. On Christmas Day in 1854, several drunken enlisted men fired on townspeople in downtown Salt Lake City, injuring some but causing no deaths before the army officers and local authorities stopped the fracas. Some of Steptoe's officers, notably Lt. Sylvester Mowry and Capt. Rufus Ingalls, cut a swath through the community, committing adultery with married women and fornication with young girls. Capping off their conquests, the two officers and others in Steptoe's command romanced some of the young women into accompanying them to California.

In the midst of this conflict in 1854 and 1855, Pierce appointed two judges who widened the breach between Washington and Salt Lake and whose accusations eventually led to Young's removal and to war. These were George P. Stiles, a Mormon resident of Salt Lake

City, and Willis W. Drummond, who had come from Illinois by way of Washington. Stiles's disaffection from the Mormon community resulted in part from his excommunication for adultery by the Seventies Quorum to which he belonged. Drummond had abandoned his wife and family in Illinois, and he arrived in Salt Lake City with a prostitute named Ada Carroll, whom he had picked up in Washington. Enamored of this voluptuous nymph, Drummond often invited her to sit with him on the bench during court sessions.

In addition to the sexual peccadillos of the two jurists, conflicts with the Mormon community resulted from rulings that tended to undermine local authority. Both Stiles and Drummond believed that the civil and criminal jurisdiction held by the probate courts and the appointment of a territorial attorney and marshal were illegal under the Organic Act, and they tailored their rulings to reinforce this view.

Antagonism between the Mormons and the jurists contributed to the violence. On December 29, 1856, under cover of darkness, a mob, probably made up of local Mormons, broke into the law library that Stiles shared with his partner, Thomas S. Williams. Stealing books and papers, the mobbers filled a nearby privy with the booty and set it on fire.

Then, in February 1857, a confrontation occurred in Judge Stiles's court between Mormon attorneys James Ferguson, Hosea Stout, and Jesse C. Little, who defended the local rule, and David Burr, who insisted that the U.S. attorney rather than the territorial attorney should prosecute all cases. The squabble overwhelmed Judge Stiles, who tried vainly to maintain order. Unable to temper Ferguson's boisterous intimidation, he adjourned court. After the Utah War had ended, Burr prosecuted Ferguson for disrupting Stiles's court. The jury, however, found the attorney not guilty, apparently because of the amnesty issued to end the war.

Most of these conflicts resulted in letters and reports from both sides—Utahn and federal appointee—piled up in bureaus and departments in Washington. Brigham Young and the

territorial delegates, Almon Babbitt and his successor John Bernhisel, also tried to counteract outside appointees' charges by lobbying with the president and Congress.

The charges continued to mount like sticks of dynamite tamped into the face of a mineral lode until Drummond ignited them in a letter dated March 30, 1857, in New Orleans, to James Buchanan's attorney general, Jeremiah S. Black. Scorned and ridiculed in Salt Lake, Drummond had left, telling anyone who cared to listen that he planned to go to Carson Valley, located in what is now western Nevada (then Utah Territory), to hold court in place of Judge Stiles. Instead of remaining in Carson, Drummond skipped out for California. Booking passage on a ship at San Francisco, he crossed the Isthmus of Panama and sailed on to New Orleans where he accompanied his letter of resignation with the potent dispatch to Black.

The letter charged the Saints with treason, disloyalty, and violence against the American people and government. Observing that the Utahns looked to Brigham Young for leadership, he said that they recognized no law superior to the Mormon prophet's commands. He charged that a secret oath-bound band—the Danites, or Destroying Angels—took the lives and property of anyone who questioned the authority of the church. He said that such assassins had killed Gunnison, Shaver, and Babbitt. Apparently referring to the mob attack on Judge Stiles's law offices, he said that the Mormons had destroyed records of the Utah federal courts on Young's orders. The Mormons, he said, slandered the federal officers and various American presidents. In cases before the probate courts, he said, the Saints and the gentiles received unequal justice, and non-Mormons were imprisoned without trial.

In a peroration, he wrote that "the Federal officers are daily compelled to hear the form of the American government traduced, the chief executives of the nation, both dead and living, slandered and abused from the masses, as well as from the leading members of the church, in the most vulgar, loathsome, and wicked man-

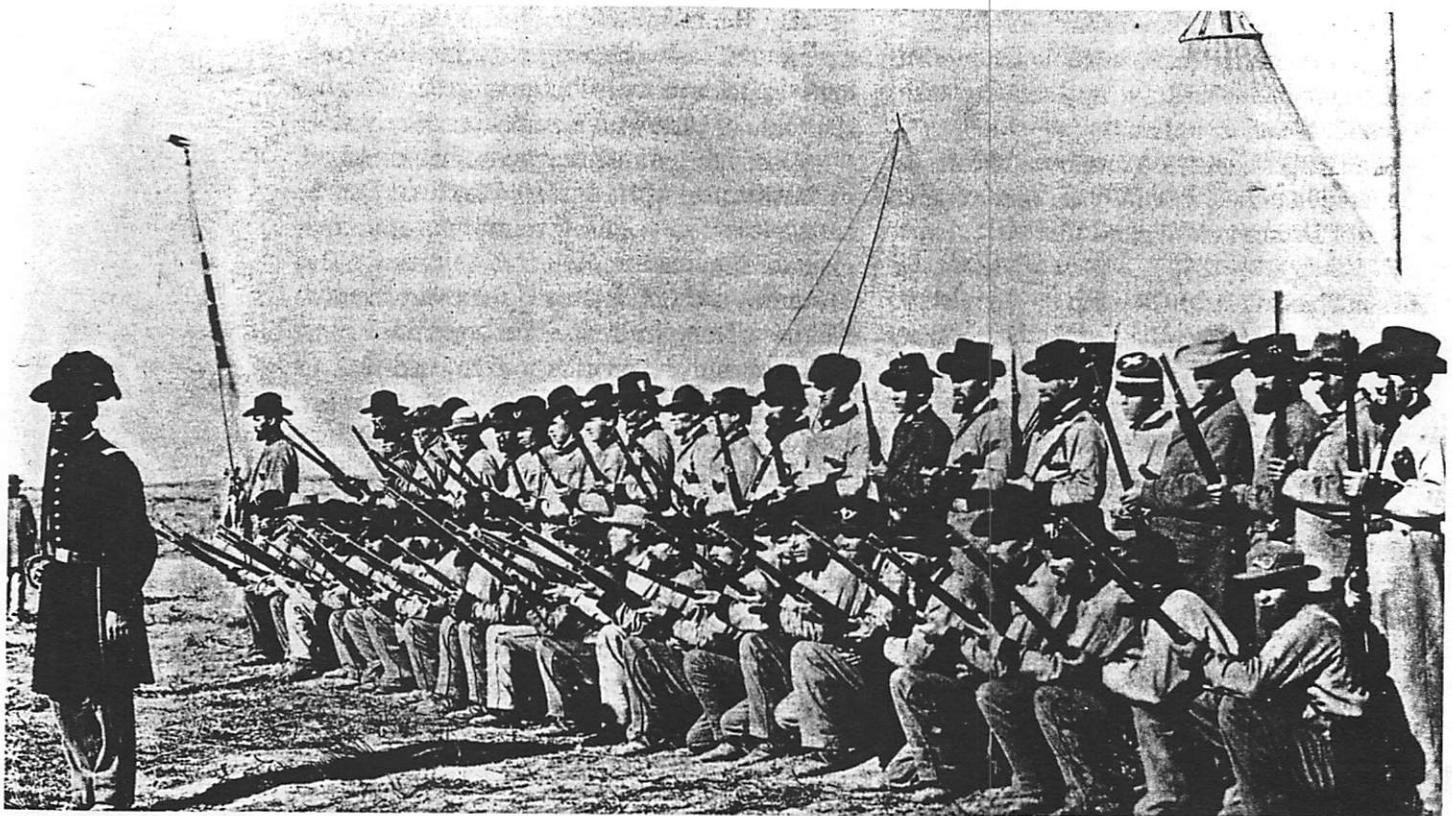
ner that the evil passions of men can possible conceive." Finally, he suggested that the president appoint a non-Mormon governor and send him to Utah with "a sufficient military aid."

Although igniting dynamite that exploded in Washington with considerable effect, Drummond had also added a number of defective charges. Some can be dealt with quite easily. The Mormons had not destroyed the court records. Affidavits from the clerk of the court attested to that fact, and the records were turned over to the new justices after the Utah War. An inquest into Shaver's death showed that he died from natural causes. Cheyenne Indians killed Babbitt and two companions on the High Plains, about 120 miles west of Fort Kearney in September 1856. Even Kanosh admitted that a band of Pahvants killed Gunnison and his party, and a trial had convicted three of them.

Some of Drummond's charges carried more force. Although such writers as confessed-killer William A. Hickman said that they belonged to a band of Danites whom Brigham Young had assigned to kill both Gentiles and wayward Mormons, no independent evidence has yet surfaced to this day to show that the church president gave the orders for such murders. Clearly, however, some Mormons took matters into their own hands—the violent sacking of George Stiles's law office is an example.

Some Mormons did condemn as "damn rascals" officials who administered the federal government. Attacks on the personality and character of federal officials, such as Harris, Brocchus, Burr, Drummond, and Stiles, appeared frequently. Some of the Mormon officials had their differences with Almon Babbitt. Brigham Young pronounced Zachary Taylor a resident of Hell. On the other hand, some of the federal officials—including Shaver, Reed, Steptoe, Gunnison, Stansbury, and Kinney—got along fairly well with the Mormons, even though some of them sent letters of complaint to Washington.

Americans frequently level verbal barrages against public officials. Such verbal assaults do not constitute treason. On the other hand, Americans have seldom countenanced verbal



**Pictured here is the
Territorial Militia
(Nauvoo Legion),
1847-70.**

attacks on their leaders from foreigners or from citizens whose loyalty or morality they suspect. From the point of view of a majority of Americans, Mormons fell into both categories. Most adults in Utah were British emigrants, and their tenacious support for Young's theocratic leadership and their practice of polygamy led many Americans to consider them unpatriotic, zealous debauchees.

THE MORMON
REFORMATION OF
1856-1857

Events in 1856 and early 1857 reinforced the general image of Utahns as violent and immoral religious fanatics. By the mid-1850s, church leadership came to believe that the Mormons had fallen spiritually asleep, more concerned with money and comfort than in living the gospel. In the fall of 1855, the leadership set up a system of home missions to preach repentance, and in March 1856, Young called on the Saints to "put away their velvet lips &

smooth things & preach sermons like pitch forks tines downwards that the people might wake up."

Young and his second counselor, Jedediah M. Grant, headed for Davis County in September 1856 to cast sharpened tines at the people, and, in the process, to contribute to the perception of Utahns as bloodthirsty scoundrels. Calling for a "Reformation," Grant "sent arrows into the harts of men." Preaching blood atonement, Young said that "for some sins no blood would be acceptable except the life & blood of the individual." Spreading throughout the settlements, church leaders called on the people to repent. They devised a catechism with which priesthood leaders tested the loyalty and morality of the people. Member and leader alike confessed sins and reported to church leaders for rebaptism as a token of the new covenant under the Reformation. As a token of loyalty, plural marriages increased until there was, as Apostle Wilford Woodruff put it, "hardly a girl fourteen years old in Utah, but what is